

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No. CHTA-001-0003

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting Adan Garcia, Jr., Leroy Garcia, Armando Garcia, Samuel Garcia, Miguel Martinez, heir at law of Martha G. Martinez, Deceased, Viola Chavez, Joan Garcia, Pamela Manzanares and Donna Garcia for Defendant Garcia Lazy J. Ranch, Inc., in these proceedings, and as grounds states as follows:

1. Defendant Garcia Lazy J. Ranch, Inc. (the Ranch) was joined as a party defendant to these proceedings on April 14, 2005 (Doc. 7816). *See also* Waiver of Service of Summons filed April 26, 2005 (Doc. 7825).

2. On February 16, 2006, Todd M. Lopez, attorney for the Ranch, filed a Notice of Ownership in these proceedings stating the Ranch is not the owner of the property that is the subject of Subfile No. CHTA-001-0003, and requesting that Adan Garcia, Jr., Leroy Garcia, Armando Garcia, Samuel Garcia, Miguel Martinez, heir at law of Martha G. Martinez, Deceased, Viola Chavez, Joan Garcia, Pamela Manzanares and Donna Garcia be substituted as proper Defendants, and that the Ranch

be dismissed from this action.

3. Based on the representations of the Ranch's counsel and documents attached to the Notice filed February 16, 2006, Plaintiff State of New Mexico agrees that the individual parties named in paragraph 2 above should be substituted for Garcia Lazy J. Ranch, Inc. and that the Ranch should be dismissed from this action.

WHEREFORE the State requests the Court to enter its order Substituting Adan Garcia, Jr., Leroy Garcia, Armando Garcia, Samuel Garcia, Miguel Martinez, heir at law of Martha G. Martinez, Deceased, Viola Chavez, Joan Garcia, Pamela Manzanares and Donna Garcia for Defendant Garcia Lazy J. Ranch, Inc., in these proceedings, and dismissing Garcia Lazy J. Ranch, Inc. from this action.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Substitution was mailed to following this 23rd day of February 2006:

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Attorney for Garcia Lazy J. Ranch, Inc.

and transmitted by ACE filing to the following this 23rd day of February 2006:

Special Master Vickie L. Gabin
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/s/ Ed Newville
Edward G. Newville